

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-60331-CR-COHN

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCOTT W. ROTHSTEIN,

Defendant.

GOVERNMENT'S SUPPLEMENTAL REPORT AS TO RESTITUTION

COMES NOW the United States of America, by and through its counsel, and herewith informs the Court as follows:

Since the filing of the Government's Initial Report as to Forfeiture (DE 472) Special Agents and staff of the Federal Bureau of Investigation and the Internal Revenue Service identified additional potential victims who have provided documentation establishing their entitlement to restitution in the instant matter. They have been included within the revised Attachments hereto. Furthermore, some of the claims of other individuals and entities which originally were designated as disputed (Attachment B), partially disputed (Attachment C) or non-responses (Attachment D) have since been resolved and are now designated as undisputed (Attachment A). These undisputed claims, set forth in Attachment A, in support of which the claimants have provided sufficient information and documentation, now total \$317,525,333.82.¹

¹Some of the victims listed in Attachment A are also third-party claimants in the pending forfeiture proceedings. To the extent that any of those claimants are successful in obtaining funds released from the preliminary order of forfeiture, their respective restitution claims should be reduced accordingly in accordance with the cash-in cash-out methodology of determining loss

The government is continuing its attempts to resolve the disputed and partially disputed claims, and address the objections which have been filed,² in an effort to avoid protracted and unnecessary litigation of these issues at the final hearing on restitution scheduled for August 30, 2010.

Respectfully submitted

WIFREDO A. FERRER
UNITED STATES ATTORNEY

By: /s/ Lawrence D. LaVecchio
Lawrence D. LaVecchio
Jeffrey N. Kaplan
Paul F. Schwartz
Assistant United States Attorneys
500 E. Broward Blvd., Suite 700
Ft. Lauderdale, FL 33394
(954) 356-7255

adopted by this Court.

²In its Order of August 3, 2010 (DE 477), this Court set a deadline of August 20, 2010 for any and all objections to be filed to the government's Preliminary Report. The following objections were filed: DE 499 (9 named Banyon Investors); DE 500 (2 named individuals and one company); DE 501 (1 company); DE 503 (5 investors); DE 504 (5 named investors); DE 537 (American Express); DE 544 (2 named investors); DE 547 (2 investors); DE 551 (1 named investor); DE 553 (1 named investor); DE 555 (1 named investor); DE 556 (1 named investor); DE 557 (1 named investor) and DE 571 (1 named investor). The government has since resolved the objections set forth in DE 499, 503 (except for 1 investor), 544 and 556, and therefore those objections should be overruled as moot.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed with the Clerk of Court utilizing
CM/ECF on August 24, 2010.

/s/ Lawrence D. LaVecchio
Lawrence D. LaVecchio